

NORTH CAROLINA
GUILFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
08 CVS 7917

JOHN LEE MYNHARDT,
Plaintiff,

v.

ELON UNIVERSITY, LAMBDA CHI
ALPHA, INC., DELTA PI CHAPTER OF
LAMBDA CHI ALPHA, AND CLINTON
JOSEPH BLACKBURN, JOHN FERRELL
CASSADY, CHARLES KENNETH
CALDWELL, JR., DAVID WILLIAMSON
WELLS, LINWOOD BRADY LONG, BRIAN
THOMAS McELROY, WILLIAM JOSEPH
HARTNESS, AND ROBERT LAWRENCE
OLSON, also known as ROBERT S. OLSON,
JR.,

Defendants.

DEFENDANT DELTA PI CHAPTER OF
LAMBDA CHI ALPHA'S RESPONSES TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND FIRST
REQUEST FOR PRODUCTION OF
DOCUMENTS

Court Code: Resp INT/RPD

TO: MR. A. L. BUTLER DANIEL
ANDERSON, DANIEL & ASSOCIATES
POST OFFICE BOX 1309
WRIGHTSVILLE BEACH, NORTH CAROLINA 28480
and
MR. MICHAEL S. PETTY
THE LAW OFFICES OF MICHAEL S. PETTY
POST OFFICE BOX 2298
RALEIGH, NORTH CAROLINA 27602
Attorneys for Plaintiff

NOW COMES defendant, Delta Pi Chapter of Lambda Chi Alpha, by and through its undersigned counsel, and herewith serves upon you the following responses to Plaintiff's First Set of Interrogatories and First Request for Production of Documents which were served upon this defendant along with the Summons and original Complaint in this action. Such answers appear in the spaces provided therefor following each interrogatory or request for production, respectively.

GENERAL OBJECTIONS

1. Defendant objects to the “Instructions” and “Definitions” to these interrogatories and requests to the extent they seek to impose obligations to gather information and to supplement responses beyond the scope of the North Carolina Rules of Civil Procedure.

2. Defendant objects to and will not employ the “Instructions” and the “Definitions” to these interrogatories and requests to the extent that they seek to impose duties and obligations in addition to or beyond those provided by the discovery provisions of the North Carolina Rule of Civil Procedure and other applicable laws.

3. Without waiving this objection, these responses were prepared in accordance with the applicable Rules of Civil Procedure, not instructions from another party.

4. The social gathering/party/incident/occurrence at 211 North Lee Avenue on February 2-3, 2007, was not a Delta Pi chapter fraternity function. To the extent these interrogatories and request for production of documents assert or imply otherwise, such assertion/implication is denied. In responding to any discovery that refers to the social gathering/party/incident/occurrence at 211 North Lee Avenue on February 2-3, 2007, this defendant does not waive this objection.

RESPONSES TO FIRST SET OF INTERROGATORIES

1. State the names and addresses of all Delta Pi chapter officers including, but not limited to, High Alpha, High Beta, High Theta, High Epsilon, High Iota, High Pi, House Manager, Risk Management Task Force, on February 2-3, 2007.

RESPONSE:

POSITION	NAME	LAST KNOWN HOME ADDRESS
High Alpha: President	Michael Carnicelli	4184 Arbourfield Drive Ontario, CA
High Beta: VP	Jack Cassady	2624 S Scales Street Reidsville, NC
High Theta: VP	Gentry Radwanski	335 Mail Route Road Reading, PA
High Epsilon: Social	Robert Olson	PO Box 212 Westhampton Beach, NY
High Iota: Risk	Derek Chimner	134 Meade Avenue Pittsburgh, PA
High Pi: Alumni	Neil Forand	Unknown
House Manager	Robert Olson	See address above
Risk Management Task Force	Michael Carnicelli Robert Olson Derek Chimner	See addresses above

2. State the names and addresses of all undergraduate Delta Pi chapter members on February 2-3, 2007.

RESPONSE:

NAME	LAST KNOWN HOME ADDRESS	OFFICE
Alex Acree	15 Lindstead Road Severna Park, MD 21146	
William Black	1253 Berry St. Pittsburgh, PA 15204	Fall 2006, House Manager
Michael Carnicelli	4184 Arbourfield Drive Ontario, CA	Fall 2006, Rho Spring 2007, Alpha
John Cassady	2624 S Scales Street Reidsville, NC 27320	Fall 2006, Tau Spring 2007, Beta

Derek Chimner	134 Meade Avenue Pittsburgh, PA 15202	Spring 2007, Iota
Phillip Collins	4321 Stillwood Ave. Kingsport, TN 37664	Fall 2006, Iota
Benjamin Crisafulli	13401 Beall Creek Ct Potomac, MD 20854	
Douglas DuShuttle	6 May Drive Bethany Beach, DE 19930	Fall 2006, Delta
Gary Fletcher	11 Oyster Bay Drive Rumson, NJ 07760	
Andrew Fox	2912 Spring Water Drive Toledo, OH 43617	
Linwood Long	7816 Seton House Lane Charlotte, NC 28277	
John McMackin	5 W Melrose Street Chevy Chase, MD 20815	
Joey Milo	48 Main Street, Ste A Westhampton Beach, NY 11978	
Robert Olson	PO Box 212 Westhampton Beach, NY 11978	Fall 2006, Beta Spring 2007, Epsilon and House Manager
Gentry Radwanski	335 Mail Route Road Reading, PA 19608	Spring 2007, Theta
Jeffrey Schointuch	24800 Hollybrier Lane Bonita Springs, FL 34134	Fall 2006, Epsilon
Christopher Shoemaker	3757 Elm Terrace Hellertown, PA 18055	Fall 2006, Theta
Chris Speasmaker	335 Bloomfield Road Charlottesville, VA 22903	
Peter Ustach	110 Uvy Lane Beaufort, NC 28516	
David Wells	6717 Cristina Court Charlotte, NC 28270	
Victor Wisniewski	327 Barbara Drive Point Pleasant Beach, NJ 08742	
Andrew Youssef	14 Summer Sprig Spring, TX 77380	
Raymond Yozwiak	2040 Bridgeport Drive Lexington, KY 40502	

3. State the names, addresses and birthdates of all Delta Pi chapter members who attended the party at 211 North Lee Avenue on February 2-3, 2007.

RESPONSE: The party at 211 North Lee Avenue was not a fraternity function. However, upon present information and belief, the individuals who were present at the party, including Jack Cassidy would have knowledge of who was present at 211 North Lee Avenue.

4. State the names and addresses of all Alumni Advisory Board members for the school years 2004-2005, 2005-2006, and 2006-2007.

RESPONSE: This Defendant does not have this information.

5. State the names and addresses of all Lambda Chi Alpha Consultants that were in communication with the Delta Pi Chapter of Lambda Chi Alpha during the school years 2004-2005, 2005-2006, and 2006-2007.

RESPONSE: Defendant objects to this interrogatory in that the information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving such objection the Consultants during 2006-2007 were, upon present, information and belief Michael Blow and Matt Roy. This defendant does not have their addresses.

6. State the names and addresses of all Lambda Chi Alpha members who were not members of the Delta Pi chapter who attended the party at 211 North Lee Avenue on February 2-3, 2007.

RESPONSE: The party at 211 North Lee Avenue was not a fraternity function. It is unknown as to whether there were any Lambda Chi Alpha members who were not members of the Delta Pi Chapter who attended such party.

7. State the names of all non-fraternity members who attended the party at 211 North Lee Avenue on February 2-3, 2007.

RESPONSE: The party at 211 North Lee Avenue was not a fraternity function. Upon present information and belief, the plaintiff was at such party as was the girl who accompanied the plaintiff. Otherwise, it is unknown who attended such party.

8. State the type, quantity and location of all alcoholic beverages that were available to members and guests at the party at 211 North Lee Avenue on February 2-3, 2007.

RESPONSE: The party at 211 North Lee Avenue was not a fraternity function. Upon present information and belief, beer was available.

9. State the names and addresses of all persons who purchased alcoholic beverages that were available to members and guests at the party at 211 North Lee Avenue on February 2-3, 2007.

RESPONSE: The party at 211 North Lee Avenue was not a fraternity function. It is unknown who purchased beverages.

10. State the name and address of the Delta Pi chapter member who was required to submit or who submitted any 8-page Event Planning Forms for the school year 2006-2007 requesting General Fraternity approval.

RESPONSE: The individual who was responsible for submitting such form during the Fall of 2006 was Jeffrey Schointuch. The individual who was responsible for submitting such form during the Spring of 2007 was Robert Olson.

11. State the name and address of the Delta Pi chapter member who completed any 8-page Event Planning Forms for the school year 2006-2007.

RESPONSE: Such forms would have been completed by Jeffrey Schointuch during the Fall of 2006 and Robert Olson in the Spring of 2007.

12. State the names and addresses of all persons assigned to act as party monitors at the party at 211 North Lee Avenue on February 2-3, 2007.

RESPONSE: As this was not a fraternity function there were no monitors assigned.

13. State the names and addresses of all Delta Pi chapter members who were members of the Risk Management Task Force during the 2006-2007 school year.